



**OMAHA POLICE DEPARTMENT
INTERNAL INFORMATION**

FOR THE CONFIDENTIAL USE OF THE CHIEF OF POLICE ONLY

SUBJECT: Internal Investigation

CASE NO: II-2015-0004-43301

DATE/TIME THIS REPORT: Monday, March 9, 2015 at 1612 hours

REPORT SUBMITTED BY: Sergeant Tracy Scherer #1408 *TS1408*

This is an Interview with Officer Bradley Bornhoft #2049 of the "C" Shift Uniform Patrol Bureau.

TS: Officer Bornhoft, you've been summoned to the Internal Affairs Unit as a witness only. Because of this it is not necessary to give you 24 hour notice. In addition, you are not given the right of union representation. Do you understand this?

BB: Yes.

TS: If at this point or any point during the interview you feel that your statements or answers may implicate you, you may request that the interview be terminated and that the protections afforded to you under the Police Officers Bill of Rights be invoked. Is that clear?

BB: Yes.

TS: Are you aware that I'm recording this interview?

BB: Yes.

TS: Are you making any attempts to record this interview yourself?

BB: No.

TS: Do you have any recording devices on you?

BB: No. I just got my cell phone, but it's not on.

TS: It's not on?

BB: Yes

TS: What about a transmitter?

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BB: No; that is in the car.

TS: Okay. Um.

BB: My cell was on, but it's not, like, recording.

TS: It's not recording? Okay.

This incident occurred on February 23rd, 2015 at approximately 1830 hours.
Will you describe to me what occurred?

BB: Sure. Uh, from... which point I guess, uh, did?

TS: From the time that you guys respond to the call. I don't need...

BB: None of the back.

TS: I know the detectives went through everything beforehand. I just need pretty much the call.

BB: Okay. Okay. So, the, the robbery comes out just as we're, uh, gettin' off another call, so we immediately hit on the robbery 'cause we're like two blocks away. Uh, we pulled down onto 13th Street (clears throat) and we're there prob, probably less than 30 seconds. And soon as we pull up to the Family Dollar there's a group, about 3 people, standin' there walvin' us down and they were screamin', "He went that way, he went that way. He's like, he's like right down there." I couldn't see him, or we didn't see him 'cause it was dark out but they're like, "He's right down there."

So I'm like, "Okay. What's he wearin'?" And, uh, the on, the only thing I remember them sayin' is dark hoodie, blue; so just put blue hoodie as well on the report. And head down the street a couple blocks. We just see one guy walkin' with a bag. Um, he got a hoodie on, dark clothes; he had a, I think like a blue jacket, so we were figuring it was our guy. We turn on our lights; kind 'a pull in to that parkin' lot; not really completely cuttin' him off. We're in the parking lot and, and he's kind 'a walkin' this way and we kind 'a parked there.

So, we both got out, issued verbal commands, "Show us your hands," and he just kind 'a ignored us and keeps walkin'. So then we draw down on him, you know, "Show us your hands, show us your hands." And he's,

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"Why do I have to do that? Why do I have to show you my hands? Why do I have to do that?" Keeps walkin'. So we're, we're kind 'a... I angled down on him a little bit just kind 'a followin' him. Um, I was focused on him so I didn't know what Lugod was doing. I assume he was probably kind 'a maintainin' like, we kind 'a had like an "L" like this way; so I'm assumin' as he's walkin' this way, you know, the, kind 'a doin' that.

TS: Mm hm.

BB: And, uh, we're both givin' commands to sh, you know, keep his hands up, show us his hands, and he's just not listenin'. So eventually he walks behind, there's two parked cars; walks behind there. So I went over to the fence so I could see him to make sure 'cause at this point all we know is that he's a robbery suspect. We don't... I, I'm assuming he's armed; want 'ta make sure he doesn't.

TS: Why are you assuming that?

BB: 'Cause he's a robbery suspect. I mean just, In, from my experience we, uh, if you rob someone you use a weapon 'ta take somethin' from someone. 'Cause at, at this point in the radio call very limited information come out.

TS: Okay.

BB: I mean, didn't say anything about him bein' armed or unarmed. I just, you know, assumed.

TS: Okay.

BB: So... he starts 'ta walk behind the cars, kind 'a out of our sight. So I went over to the fence so I, just so I can keep an eye on him. And I assume Lugod goes around this way (clears throat) a little, further south of my, uh, my position so he can make sure he doesn't, like, go behind the cars and run out. 'Cause at this point he's trapped by the fence. There's a building, then there's the two cars.

Well then at some point he hops on the hood and we're tellin' him get on the ground, show us your hands, get on the ground, show us your hands. And... a little after that - and I believe uh... I'm trying to thi... uh, Pope and Geyza come. I don't remember their call sign; all I know is they are a

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Baker Unit. They, you know, they, they pull up. And the reason I know that is that I could hear females issuing commands too, and they're the only females on the crew. So, uh, and I, and... what I saw afterwards was, uh, Pope came up right behind me, she was... sounded like she was right next to me. I didn't see where Geyza went. I'm assuming she went to where Lugod was, just 'cause that's when she deployed her taser was from that direction.

TS: Mm hmm.

BB: So, we're still issuing commands, "Show us your hands, show us your hands," you know; um, and, "Get off the car." But, and he's saying, he's saying, "No, no, no." And then he goes, "Well, I have a gun too," and reached in his waistband like boom, real fast. And, I mean, none of us... obviously shot at that point. But (clears throat) then he takes it out again, he goes, "I have a gun." Takes it out again and he's, just kept doin' that. And then I don't know if he... just thought we weren't gonna shoot him or not, but he just, basically his hands out and Lugod's was like, "Does someone have a taser?" And that's when Geyza went and tried to tase him. Shot him; the prongs didn't stick; he became more agitated. Took one, I think one stuck in his leg, the other one kind 'a bounced off his coat or it got stuck in like the padding of the coat, but he just *Pheww!* ripped 'em out, became more agitated. Uh, the next thing I know he turned, it looks like he turned around, jumpin' the fence and got shot.

TS: Okay. Um, couple things. Uh, going back to the radio call when it comes out: what kind 'a call, what did they say on the radio?

BB: It was, the tones came out there's a robbery just occurred, give the address, Family Dollar. We were at a call... tryin' to think, it was at 1510 Dorcas, and Family Dollar was just, was, uh, 13th and Pine, Hickory area; so we, we were right down the street. I mean it isn't... literally as we were finished on that radio call, so we just hit in, we'll be in route to the robbery and...

TS: Okay. Do you remember, um, did radio say that the party was armed with anything?

BB: I, I don't remember. I don't think so.

TS: But you...

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BB: At least not while... not while we were gettin' to the robbery.

TS: Okay.

BB: Because we were, we were right there.

TS: So, so you don't remember any specific...

BB: And if uh...

TS: ... about, of an armed, a, a, a weapon at all?

BB: I don't remember any specifics.

TS: Okay.

BB: And they may have, you know, they may have put information out later; but it was, that, probably at that point we were engaged with the suspect so I wasn't listening to the radio...

TS: Okay.

BB: ... probably as well as I should have been, but.

TS: Um, when you pull up. Just to make it clear 'cause we didn't say that. You're riding in a Baker car with Alvin Lugod that night, correct?

BB: Correct; that's right.

TS: And, um, Alvin is driving the cruiser, you're the passenger?

BB: That is correct.

TS: Okay. Um, as you pull up there are some witnesses or people along the side of the road. Did you talk to them - the, the ones that are pointing you down the street?

BB: Oh, yeah. Uh, there was those three guys; they work for the Family Dollar; at least I'm, I'm assuming they did...

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TS: Okay.

BB: ... 'cause they were just out front pointing, "There he is, there he is." And all he, all I asked is *what's he wearing?* And, and they told us and we took off.

TS: Okay.

BB: And other officers returned later to take a report.

TS: Okay.

BB: So I don't even know who they were.

TS: They didn't give you any more information...

BB: They just...

TS: ... about a weapon or anything like that?

BB: No, no, no.

TS: Okay. Um, so then you pull up at... it's the Sports Car Garage is where this all takes place, it's like a parking lot. And I know that there's the building, the fence, and then there's two cars; there's a smaller car and the SUV.

BB: Mm hmm.

TS: Um, do you remember, uh, what the suspect was saying as you're approaching him at all?

BB: Just he, he's just... not listening to us he, he kept walkin' away from us. We tell him to stop, show us your hands, and he goes, "Well, why do I have to show you my hands?"

TS: Okay.

BB: And...

TS: Was he *showing* you his hands?

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BB: It was kind 'a like down low, like the, this.

TS: Okay.

BB: But he, he kept walkin' away.

TS: Okay.

BB: So then.

TS: Um, and what are you thinkin' at that point? What's goin' through your mind then?

BB: I'm thinkin'... he... could have a weapon; he's waiting for the opportunity.

TS: Okay.

BB: 'Cause he's not listenin' to us, he's walkin' away. Then he starts walkin' towards the cars.

TS: Okay.

BB: So we... became really worried because if he gets behind a car then we can't see him; he could pull somethin' out and...

TS: And do whatever?

BB: ... start shootin' at us. Yeah, so.

TS: Okay. Um, and, uh, do you remember him, like, when does he say he has a gun?

BB: When he's standing on top of the cars.

TS: Okay. You and, um... do you know where Lugod is? I mean are you guys kind of triangled on him then?

BB: Yeah. And I assumed that he's... 'ta... I'm with the guy; I'm south of the guy.

TS: Okay.

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BB: I assuming Lugod's at his west.

TS: Okay.

BB: Kind 'a behind the cars, just from where I can hear him issuing commands. At one point I... at, at one point I looked over 'cause I could hear I think Lugod had his mic clipped so I could hear him... I hear him hissin' at us coming through the mic; so I, I looked up and I'm... I was gonna say, "You, you're keying your mic (unclear 8:59)?" But then, then he stopped, and, and he was... like I was here, he was over here, and the guy was here. That was before he went on the cars.

TS: Okay. Um, Elrod, the suspect, tells you he has a gun. How many times does he tell you he had this, he has a gun?

BB: I remember him saying it three times.

TS: Three times? Um, and...

BB: Ea, each time he reached... like into his waistband as if he had one, like he's gonna pull something out, but he never did. He was just...

TS: Okay.

BB: ... and he held it there.

TS: Does he threaten to shoot you or hurt you?

BB: I, I don't recall.

(talking over each other below 9:29 - 9:32)

TS: Or does he just say he has a gun?

BB: Maybe he just, he just says, "I have a gun too."

TS: He, uh, he has a gun too? Okay. Does Lugod ever say anything to Elrod, you know, *no, you don't, or show it to me, or anything like that?* Do you remember?

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BB: No, I don't remember that.

TS: Could you remember, uh, I mean do you remember hearing Lugod talking to him and what Lugod's saying to him at all?

BB: I remember Lugod sayin', "Don't make me do this!"

TS: Okay.

BB: Um, I believe he said, "You're gonna get shot."

TS: Okay.

BB: I think, that was one of the things that came through the... the, the mic.

TS: Okay.

BB: Um, other than that, it was just commands, you know, "Get down," "Show us your hands."

TS: Okay. And you remember him asking for a taser?

BB: Mm hmm. Yeah.

TS: Okay. Um. Um, I don't know if I said this already. When he's saying that, when Elrod's saying that he has a gun was he threatening to shoot you? You?

BB: Oh! Oh, yeah. No, he. I don't remember him saying *I'm gonna shoot 'ya*.

TS: Okay.

BB: I just heard him saying, "I have a gun, I have a gun too," and he reached in, like he had one; like put his hands in either his pockets or underneath his hoodie just, you know, where we couldn't see it in his waist area.

TS: Okay. Why didn't you shoot him? If you're thinkin' robbery, he could have a weapon, and now he says that, why didn't you shoot?

BB: I, well... I was sayin' a lot of things in my head at that time.

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TS: Mm hmm.

BB: 'Cause, well, it happened so fast. And then... by the time I, I guess recognized it - his hand had been there for a few seconds - cuz then I, I, I got a small doubt in the back of my head, like maybe he doesn't have anything. Cuz if he did have one he would 'a pulled it out and shot us by now. And then I'm thinkin', well, there's a lotta backlash and I was just kinda

There's... let me mute that. And there's like Ferguson, New York stuff.

TS: Mm hmm.

BB: That was goin' through my head. So at that, at that point I decided I was gonna wait until he actually pulls out a gun so I could physically see it. And then I...

TS: Okay.

BB: ... then I would shoot him at that point.

TS: You mentioned somethin' that I, I want 'ta ask about; is that by the time you could have react to it...

BB: Mm hmm.

TS: ... he had pulled his hands out. So, does that happen every time? So he says, "I have a gun," reaches in, and before you can react to him...

BB: No, no. He hadn't...

TS: ... come out?

BB: He hadn't taken his hands out yet.

TS: Okay.

BB: He said, "I have a gun," reached in. Then by the time I recognized that he had a gun his hands would have been there probably for two seconds, so, uh, and I kind 'a had that small thought of him, hey, well if he had it he would have pulled it out by now.

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TS: Okay.

BB: So then I started thinking well maybe, maybe he's full of crap, but.

TS: Okay. So... because I want to understand this the best I can.

BB: Mm hmm.

TS: Um, what you're telling me is that... as he's sayin', "I have a gun," and he's reachin' in, he's not...

BB: Mm hmm.

TS: ... he's not then proceeding quickly enough for you to think that there's a gun there?

BB: Right. He's not...

TS: So you're kind of hesitant? Yes?

BB: Yeah.

TS: Okay. And, and...

BB: I mean I was... well, as soon as he reached in, you know, it was kind 'a, you got your, I had all the slack out of my trigger and...

TS: Okay. You had? You?

BB: I just didn't complete the, you know, pull 'cause he...

TS: Okay.

BB: ... and he didn't, he didn't go like this and... it was just a...

TS: Okay.

BB: ... kind 'a, he...

TS: So...

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BB: ... he held it there.

TS: So what you're telling me is he says this. You, you've already got the, the slack pulled out, you're ready; and you're at that point, you're a...

BB: Yes.

TS: ... a, a half a second away from actually pulling the trigger yourself. You just want to wait...

BB: Right.

TS: ... too see what hap, what he pulls out?

BB: Yeah.

TS: Okay. Um (exhales). Your impression or what you're explaining to me and, um, part of your interview with the detectives is that his guy's walking away from you. Does he ever make any, um, gestures towards you that he's going to - other than saying he has a gun - is he, is he making any gestures towards you, does he lunge at you, um, does he jump towards you or anything like that?

BB: No, he didn't jump towards me or, I mean he was just kind 'a yellin' back and forth at us but, the way... when he said he had a gun, uh, he looked, looked like he was fa, facin' me and Pope.

TS: Okay.

BB: Mm, kind 'a like that and felt he's.

TS: Every time? So he says it three times. Each time that he says he has a gun and reaches is he facing you?

BB: Yeah; that, that's what, that's the way I guess I recognized it. And he could have been like, uh...

TS: Kind of on an angle?

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BB: Yeah, and angle like, yep, like yeah, kind 'a angled. KI, not directly towards Lugod.

TS: Okay.

BB: I, I think he was facin' more towards me and Pope when he, when he's sayin' that.

TS: Okay.

BB: But he's kind 'a tryin' to address both of us 'cause at that point there was four officers on the scene.

TS: Right.

BB: And we were all yellin' at him, so he's probably like, you know.

TS: Okay.

BB: having trouble...

TS: And he doesn't know where to turn?

BB: Yeah.

TS: Do you think that, um, as you're standing there and you're giving him commands, Pope's giving him commands and Lugod's giving him commands, is he focused on any, any one of you guys, or do you think that he's confused and he can't tell...

BB: I's...

TS: ... which one he needs to be focused on?

BB: I think he was probably more focused on Lugod 'cause he was the one givin' the most commands.

TS: Okay.

BB: I, well, when Pope got there I stopped givin' commands 'cause... so many officers...

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TS: Were yellin'?

BB: ... were, yeah, so.

TS: Okay. So once Pope arrives you s...

BB: 'Cause...

TS: ... you stop yelling at him?

BB: 'Cause she started givin' commands. Then I, I kind 'a... it might have been one or two more, but I eventually stopped.

TS: Okay.

BB: Let them kind 'a.

TS: He's asking you guys, you guys are saying, "Get on the ground," um, "Show us your hands," um, and he's saying, "Why?" Did he ever, um... did he ever say anything that he was confused, like he didn't know which he was supposed to do, *am I supposed to show my hands or am I supposed to get on the ground?*

BB: No, he didn't say anything like that.

TS: He didn't say anything like that? Okay.

BB: Says, "Why do I have to?"

TS: Did he?

BB: It was, it was like defiant: "Why do I have to do that?" And.

TS: Okay. So he's being uncooperative...

BB: Yeah.

TS: ... instead of? Eh, do you have any reason to think that he didn't understand what you guys were sayin'?

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BB: No.

TS: Okay. Um, your impression of him: did it appear that he wanted to fight you guys, engage you guys, or did he want to get away?

BB: I think he wanted to fight us.

TS: You think he wanted to fight 'ya?

BB: He, yeah.

TS: Okay. What...?

BB: Definitely, definitely in the beginning, and all the way through... through, uh, him hoppin' on top of the...

TS: Car.

BB: ... car and then rippin', the taser's out... cuz he was real mad then. But, up until, I was, I thought he was gonna like charge us or fight us, until then. Then, then he eventually turned around 'ta climb the fence and I was like, well maybe he's trying to get away. But the fence had...

TS: Okay.

BB: ... barbed wire on it, so I think he gave up on that. And then I heard three shots and that was, that was it.

TS: Okay. Um, you said that the taser, once he gets tasered, that it kind of made him mad?

BB: It, it just looked like it...

TS: Wha, what? What changed?

BB: It just looked like it agitated him more. I mean he was already mad, but it just...

TS: How? Can you explain his?

BB: I, I guess, the look on the face? I, just...

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TS: Okay.

BB: He, he, he just looked, I mean for lack of a better word, pissed off; more pissed off.

TS: Okay.

BB: I don't.

TS: Okay. So the... pretty much the way he looks? Um, did you think that the, that the, that he was more of a threat after that then?

BB: Yeah; I, I... I thought, I guess so. I don't... I didn't, I didn't know what he was gonna do. I mean.

TS: Okay. Did you ever think he was comin' right after you?

BB: In the, in the beginning. I mean, after he pulled the tasers off he was obviously focused on... Geyza since on that side since that's where the taser...

TS: Came from?

BB: Came from, but.

TS: Okay. After he...

BB: But I didn't, I mean...

TS: ... pulls the tasers off of, off of him did he, did you think that he was going to come at you?

BB: I didn't, I didn't think so; not from my vantage point at least, no.

TS: Okay. So, um, once he pulls the tasers off, um... what does he do then, how, how does that?

BB: I think it was shortly after that where he turned around and hoppin' the fence.

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TS: Okay.

BB: I mean, he turned... the way, he turned, it was, it was towards me and, like, towards me and Pope, but he completed turned around and hopped on the fence.

TS: He didn't hesitate, like, tryin' to decide...

BB: Not...

TS: ... what to do, come after you or hop over that fence?

BB: Not that I can remember.

TS: Okay. Do you remember, in your mind, if he's gonna go over that fence, had Lugod not shot him, what would have been your next plan, what would you have done? Did you think that far?

BB: Uh... I guess we were just waitin' and see what his next move would be.

TS: Okay.

BB: But, I mean... 'cause w, we, you know, we had him cornered; he wasn't gonna... I guess my... just depends on what he was gonna do.

TS: Okay.

BB: You know?

TS: Um, do you remember what was behind that fence; did you even see what was behind that fence?

BB: I think it was just like wrecked-out cars, I think.

TS: Okay.

BB: Like cars that were being worked on. Looked, it looked like a, like a... cars that had been towed just dumped back there.

TS: Okay. Was it enclosed, do you know? Was it...?

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BB: I'm... as, I, I think it was enclosed back there. I... I... I guess I, I can't remember. I, I, I know there's a fence on our side, but.

TS: Okay.

BB: I, I'm assuming that it would have been enclosed. It was it was like a yard.

TS: Do you think he would have been trapped inside there I guess is what I'm asking?

BB: If he would have made it over, if the barbed wire, like, goes all the way around...

TS: Mm hmm.

BB: ...he would have been trapped in there I think.

TS: Okay. So then would he have been a threat then?

BB: Depends on if he had a weapon. I mean, obviously, in the end we found he doesn't. But...

TS: Okay.

BB: Up to that point...

TS: But at this time we don't know?

BB: ... we didn't know, yeh.

TS: Okay. Um. Uh, let me just make sure. I had a couple questions. I just want 'ta make sure I get 'em all... answered.

Um, well did, did you observe anything about him, um, as far as his mannerisms? Could you tell, was he drunk; was he slurrin' his words; was there anything like that to make you think that he was... I don't know, intoxicated or under the influence of anything?

BB: Mm, not from his mannerisms I guess. Um, presented (unclear 18:48), and he's just walkin' down the street normally. Just from... him not... not,

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uh, cooperating with us and the way he was acting towards us. Uh, afterwards it was probably well he's gotta be high on somethin'. But, you know, I don't know, I'm not trained 'ta pick those out; I'm not a DRE or anything, but.

TS: Right.

BB: But, just, just in my experience, if you, when you act like that just assume you're...

TS: Did he seem to be?

BB: ... on somethin', you know?

TS: I mean, other than the fact that he's not cooperating with you guys.

BB: I didn't get close enough 'ta... catch anything on his breath or see his eyes, nothin' like that.

TS: Okay. You, you couldn't see his eyes, just his facial expressions where he's mad?

BB: Yeah.

TS: Okay. Um, let's see. I think that we have covered everything. Is there anything that you want 'ta add to this interview?

BB: I, I don't think so.

TS: Okay. Um, okay. I, I'm gonna go ahead and end this interview at 1632.

END OF REPORT

TS/ns